

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

STATE OF TEXAS, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States

Defendant,

and

FRIENDS OF THE EARTH, et al.,

Intervenor-Defendants.

Case No. 9:25-cv-00010-MJT

DECLARATION OF BETH ANN LOWELL NIEMIEC

I, Beth Ann Lowell Niemiec, hereby declare as follows:

1. I am the Vice President of Oceana, Inc. (“Oceana”). I have worked with Oceana since March 2005.

OCEANA BACKGROUND

2. Oceana is a 501(c)(3) non-profit, international advocacy organization headquartered in Washington, D.C. with regional staff located in Alaska, Washington, Oregon, California, Maine, Massachusetts, New York, New Jersey, North Carolina, and Florida. Oceana is the largest international advocacy organization dedicated solely to ocean conservation, with over one million members and supporters in the United States.

3. Oceana’s mission is to protect and restore the abundance of our world’s oceans. We win science-based policies that stop overfishing, illegal fishing, habitat destruction,

pollution, and harm to marine wildlife including endangered and threatened species. Oceana's Climate and Energy Campaign uses science, communications, outreach, and advocacy to drive policies aimed at reducing threats to communities and the oceans by preventing new offshore oil drilling and promoting responsible offshore wind energy.

4. Oceana's staff and members are committed to protecting our coasts from the dangers of offshore oil and gas drilling. Oceana has been campaigning for clean energy for nearly two decades, achieving major victories through legal, policy, and grassroots advocacy.

OCEANA'S WORK TO PREVENT EXPANDED OFFSHORE DRILLING

5. Oceana's staff have put significant resources and effort into advocating for protections against offshore oil and gas drilling. Oceana works hand in hand with business alliances on the Atlantic, Florida Gulf, and Pacific coasts. This work has helped obtain bipartisan opposition to offshore oil and gas drilling from more than 380 municipalities and over 2,300 elected local, state, and federal officials.

6. Oceana and its partners advocated for President Biden to take action to protect the Atlantic, Pacific, and Eastern Gulf of Mexico from offshore drilling. Oceana led a letter to President Biden signed by 197 organizations calling for the president to use his authority under Section 12(a) of the Outer Continental Shelf Lands Act to maximize protections for vulnerable coastal communities. Oceana also worked with the business community and advocates for military installations on Florida's Gulf coast in supporting permanent protections to the areas ultimately withdrawn.

7. This most recent work to secure permanent protections for waters in the Atlantic, Pacific, and Eastern Gulf is a continuation of nearly 20 years of effort to stop the expansion of oil and gas drilling on the Outer Continental Shelf. This work accelerated in the wake of the *Deepwater Horizon* oil spill, when Oceana joined litigation challenging the approval of lease

sales in the Gulf of Mexico, arguing that the government continued to not adequately consider the risks of large oil spills.

8. In 2018, Oceana joined litigation challenging incidental harassment authorizations issued by the National Marine Fisheries Service for seismic airgun blasting to search the Atlantic Ocean for offshore petroleum deposits, a precursor to offshore drilling. This litigation resulted in a victory for marine species and the Atlantic coast, with the incidental harassment authorizations expiring while the litigation forced the Bureau of Ocean Energy Management to rethink the legality of issuing such authorizations.

9. In January of 2021, Oceana published a report finding that permanent offshore drilling protections could prevent over 19 billion tons of greenhouse gas emissions and more than \$720 billion in damages to people, property, and the environment.¹

10. In 2021, President Biden’s Administration announced a pause on leasing for oil and gas. Oceana made significant efforts to support the leasing pause through media outreach and encouraging our partners and supporters to publicly support this action.

11. Oceana has submitted comments throughout the development of the multiple National OCS Oil and Gas Leasing Programs (“Five-Year Plan”). Most recently in 2022, Oceana commented on the 2023–2028 National Outer Continental Shelf Oil and Gas Leasing Proposed Program, opposing any leasing in the Final Five-Year Plan and highlighting deficiencies in the government’s analysis.

¹ See Oceana, *Offshore Drilling Fuels the Climate Crisis and Threatens the Economy* (Jan. 2021), https://usa.oceana.org/sites/default/files/2021/01/27/final_climate_economy_fact_sheet_m1_doi.pdf.

OCEANA MEMBER ENGAGEMENT

12. Oceana's members have been heavily engaged in opposing offshore oil drilling, particularly in the areas included in President Biden's withdrawals. In 2018, thousands of Oceana members and supporters submitted individual comments opposing the inclusion of new lease sales in the Atlantic, Pacific, and Arctic Oceans, as well as the Eastern Gulf of Mexico in the 2019–2024 Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program.

13. In 2021, over 13,000 members and supporters signed a petition thanking President Biden for pausing offshore oil and gas leasing.

14. In 2022, over 12,700 members signed a petition calling for no leasing in the Final Five-Year Plan.

15. Oceana's years of education, outreach, and advocacy have dramatically shifted public opinion on offshore oil and gas drilling.

IMPACTS TO OCEANA AND MEMBERS FROM OFFSHORE DRILLING

16. Oceana's staff and members use and enjoy the coasts and oceans subject to the withdrawal, including through activities like fishing, swimming, snorkeling, scuba diving, boating, and wildlife viewing. The health of our oceans is critical to the enjoyment of these activities. Dirty and dangerous offshore oil and gas presents risk to coastal and marine environments at every stage of development. Through its normal operations, offshore drilling pollutes our coasts and leads to hundreds of spills every year, threatening coastal communities that rely on clean air and water, including Oceana's staff and members.

17. The dangers of oil and gas development are evident from the BP *Deepwater Horizon* disaster. An Oceana report from 2020, marking 10 years since the disaster, found that

the oil spill reduced popular recreational activities, such as boating, fishing, and beach visits, which translated to a loss of more than \$500 million to the recreational industry.²

18. Oceana's staff and members are also impacted by the climate change impacts of offshore oil and gas leasing and development. Climate change is an existential threat to our oceans and the people and communities who depend on them. Human-caused emissions of carbon dioxide and other greenhouse gases are causing ocean warming, acidification, oxygen loss, and decreased fish production. Climate change models project significant changes throughout the ocean over the coming century with declines in productivity, species range shifts, and habitat loss. For example, climate change and warming oceans will be detrimental to kelp forests, eel grass, shallow-coral reefs, and cold-water coral ecosystems that are essential habitats for many fish populations. Climate change is resulting in increasingly intense and extreme weather, pushing dangerous storm surges farther inland and expanding their deadly and costly impact.

19. The warming ocean, with increasingly frequent and intense marine heatwaves like those recently experienced in the Northeast Pacific and Gulf of Maine will continue to affect marine life with impacts to fisheries, food, and human communities. The Gulf of Mexico, where a majority of current U.S. offshore drilling occurs, has also seen the dire impacts of climate change, with more frequent and stronger hurricanes, decreases in populations of fish and marine mammals, and increases in incidents of red tide.

² See Oceana, *Hindsight 2020: Lessons We Cannot Ignore From the BP Disaster* (Apr. 2020), https://usa.oceana.org/sites/default/files/2020/04/14/lessonswecannotignorefromthebpdisaster_oceanareport.pdf.

20. These impacts from climate change would directly harm Oceana's staff and members who live near the coast, rely on ocean ecosystems for their livelihoods, and use the ocean for recreation.

21. Additional leasing anywhere in the U.S. Outer Continental Shelf would put coastal communities, fisheries, and the marine environment at risk of oil spills and the increased impacts of climate change, affecting people, property, and recreational opportunities, including for Oceana's staff and members.

IMPACT OF LITIGATION ON OCEANA'S INTERESTS

22. I understand that in this case the State of Texas and an oil company have challenged President Biden's January 6, 2025 decision to permanently withdraw from future oil and gas leasing the Atlantic and Pacific coasts and portions of the Eastern and Central Gulf of Mexico. As detailed above, Oceana invested significant resources in advocating for these withdrawals because they further Oceana's mission and protect its members and staff from the harms of expanded offshore drilling. If plaintiffs are successful, and these areas are reopened to leasing, it would undermine the years of advocacy Oceana and its staff and members have expended to minimize oil and gas leasing in the U.S. Outer Continental Shelf and would aggravate the harms to Oceana's members from climate change, oil spills, and diminished recreational opportunities as described above.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated this 22 day of April, 2025, in Washington, D.C.

Beth Ann Lowell Niemiec
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